

2015-1511

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

FONTEM HOLDINGS 1 B.V.,

Appellant,

v.

CB DISTRIBUTORS, INC. and DR DISTRIBUTORS, LLC,

Appellees.

Appeal from United States Patent and Trademark Office, Patent Trial and
Appeal Board in Inter Partes Review No. IPR2013-00387

APPELLEES' UNOPPOSED MOTION TO WITHDRAW FROM APPEAL

Appellees CB Distributors, Inc. and DR Distributors, LLC (collectively, “Appellees”), respectfully move to withdraw from this appeal in view of the recent settlement between Appellees and Appellant Fontem Holdings 1 B.V. (“Fontem”). Fontem does not oppose Appellees’ motion to withdraw.

Fontem intends to continue pursuing this appeal of the PTAB’s decision finding certain claims of Fontem’s U.S. Patent No. 8,156,944 (the “’944 patent”) unpatentable. The settling parties have agreed to bear their own fees and costs on appeal. The settling parties are also notifying the district court of their settlement

and requesting dismissal of the (currently stayed) district court case between them involving the '944 patent, Case No. CV12-5456 (C.D. Cal.).

Dated: December 3, 2015

/s/ Nicole M. Smith

Nicole M. Smith

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Attorneys for Appellees

CB Distributors, Inc. and

DR Distributors, LLC

Form 9

FORM 9. Certificate of Interest**UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

_____ v. _____

No. _____

CERTIFICATE OF INTEREST

Counsel for the (petitioner) (appellant) (respondent) (appellee) (amicus) (name of party)

_____ certifies the following (use "None" if applicable; use extra sheets if necessary):

1. The full name of every party or amicus represented by me is:

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:

Date_____
Signature of counsel_____
Printed name of counsel

Please Note: All questions must be answered

cc: _____

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the **APPELLEES' UNOPPOSED MOTION TO WITHDRAW FROM APPEAL** was served on counsel for appellees by electronic means (by email or CM/ECF) on this 3rd day of December 2015.

/s/ Nicole M. Smith

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